

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

**IN RE US FERTILITY, LLC
DATA SECURITY LITIGATION**

Master File No. 8:21-cv-299

This Document Relates To:
All Actions

**APPLICATION FOR APPOINTMENT OF NIKOLETTA S. MENDRINOS
AS LIAISON COUNSEL AS PART OF THE *VINSANT-DOE* SLATE**

Nikoletta S. Mendrinos respectfully seeks appointment as Liaison Counsel in the above-captioned matter, alongside Gayle M. Blatt, David M. Berger, John A. Yanchunis, and Hassan A. Zavareei, (collectively, the “*Vinsant-Doe* Slate”). Alternatively, should the Court prefer a different structure, Ms. Mendrinos seeks appointment as Liaison Counsel. The *Vinsant-Doe* Slate represents the diversity of the bar and is comprised of attorneys with significant data security litigation. As such, they are applicants who are best suited to represent the interests of the class. *See* Fed. R. Civ. P. 23(g)(2).

ARGUMENT

I. The *Vinsant-Doe* Slate is a well-rounded Slate, comprised of highly experienced attorneys whose appointment will benefit the Class.

The *Vinsant-Doe* Slate is a self-organized structure as described in Ms. Blatt, Mr. Berger, Mr. Yanchunis, and Mr. Zavareei’s Applications.¹ The Vinsant Doe Slate has invested considerable time and effort in this case, having filed the first and second cases in this District after spending significant time investigating factual legal issues, including vetting additional potential

¹ Ms. Mendrinos adopts the arguments set forth in Ms. Blatt, Mr. Berger, Mr. Yanchunis, and Mr. Zavareei’s Applications for Appointment and incorporates as if fully set forth herein.

claims.² The team is comprised of members who have significant experience in data breach matters, with impeccable credentials whose appointment will benefit the class. In addition to possessing significant experience, the *Vinsant-Doe* Slate has identified members who will work on specific aspects of the case based on their strengths and experience. The identification of delineated roles within the Slate ensures efficiency in the prosecution of this matter, which will benefit not only class members, but this Court as well. The fact that the members of the *Vinsant-Doe* Slate have come together and agreed to certain roles within the proposed structure emphasizes their teamwork, their ability to work cooperatively with others, and their desire for the efficient, cohesive, and successful prosecution of this matter. Finally, the *Vinsant-Doe* Slate is willing and able to commit their collective resources to represent the class. *See* Fed. R. Civ. P. 23(g)(1).

II. Ms. Mendrinós has experience in managing and organizing complex cases, driving them to resolution, and is well positioned to serve as Liaison Counsel.

Nikoletta S. Mendrinós is an Associate with the firm of Murphy, Falcon & Murphy (“Murphy Firm”), a 100% minority-owned firm that has built its reputation for fighting for the rights of the underrepresented and underprivileged. Ms. Mendrinós joined the Murphy Firm in 2012, a few months after graduating law school, and was immediately thrust in the middle of a complex class action matter that had been pending for several years.³ She instantly was given tasks in researching complex class action issues, and she assisted the Managing Partner in developing a strategy that would successfully resolve the case, which ultimately settled for \$50 million. After the case was resolved, Ms. Mendrinós was solely responsible for creating and maintaining a process in which class members’ pro rata share deductions and final settlement amounts were

² *See Vinsant, et al. v. US Fertility*, Case No.: TDC-21-225, filed on January 26, 2021; *Doe, et al. v. US Fertility*, Case No.: PWG-21-248, filed January 28, 2021.

³ *See Fallows, et al. v. St. Joseph Medical Center, Inc.* (2010) (Circuit Court for Baltimore City).

determined and class members were contacted. This ultimately led to the successful distribution of funds to eligible class members and other claimants. Through this process, it became evident that Ms. Mendrinós is extremely organized, is highly capable of coordinating multiple moving pieces of litigation, and can direct team efforts to drive a matter to conclusion.

In addition to conducting the bulk of the research, development, and analysis of potential claims, her role has grown into managing many of the Murphy Firm's high-profile, complex cases.⁴ Her role includes coordinating and managing experts, attorneys, mediators, and the press, all while working closely with the clients. In addition to having an integral, leadership role in many of the Murphy Firm's nationally recognized cases, Ms. Mendrinós' practice has evolved to focus on data breach matters, especially since Maryland law in this area is rapidly developing.⁵ She now often leads teams, organizes multiple case facets, and builds and manages many of the Murphy Firm's difficult cases so that they resolve successfully.⁶

Navigating and managing these cases, including data breach class actions, requires significant organizational skills, deft handling of sensitive and confidential matters, understanding of the various legal issues, and the ability to deliver quality work-product within a specific time frame. Ms. Mendrinós has repeatedly shown, through her case management and successful outcomes, that she will usher the instant matter to a fair and efficient solution. Moreover, she is familiar with the local rules, having filed multiple matters in this district. Ms. Mendrinós has also established cooperative and collaborative relationships with multiple attorneys in this litigation,

⁴ See *Estate of William Green, et al. v. Prince George's Cnty., Md.* (2020) (Circuit Court for Prince George's County); *Estate of Jordan McNair, et al. v. Daniel Durkin, et al.* (2018); *Freddie Gray, Jr. v. Caesar R. Goodson, Jr., et al.* (2015).

⁵ See *Scott, et al. v. LifeBridge Health, Inc.* (2018) (Circuit Court for Baltimore City).

⁶ Additional information regarding Ms. Mendrinós' experience, qualifications, and specific roles in cases can be found in her résumé, which is attached and incorporated by reference as **Exhibit 1**.

evidencing her willingness and ability to work well with others and emphasizing her ability to act as Liaison Counsel.

III. As a female with a diverse, international background, Ms. Mendrinós is well-suited for this litigation.

Selecting a woman with a diverse, international background as a member of the leadership team should be given special consideration in this litigation, as should selecting a Slate with two females as members. *See* Fed. R. Civ. P. 23(g)(1)(B). In recent years, more women comprise the majority of students in law school, and women make up about 32% of all civil-case attorneys.⁷ However, of the attorneys who appear in leadership positions in class actions, only 13% of them are women.⁸ Given the significant underrepresentation of women in leadership positions, appointing women to leadership positions in this matter carries double weight. Appointing women to positions of leadership will not only enhance the diversity of the team selected by this Court, it will also enhance the quality of representation of the members of the class. Judges are encouraged to appoint “counsel [who are] qualified to fairly and adequately represent those who will be bound by the litigation.”⁹ The majority of the class members victimized by US Fertility’s conduct are mostly women. Thus, filling the leadership roles with women with a broad range of experiences, backgrounds, and different perspectives will help ensure that those whose interests are affected will be fairly, adequately, and justly represented.¹⁰ The selection and proposal of having two women in leadership positions is a testament to *Vinsant-Doe* Slate’s desire to create a team that is

⁷ *See id.* at 2-3.

⁸ *Id.* at 2.

⁹ *See* James. F. Humphreys Complex Litig. Ctr., George Washington Law Sch., *Inclusivity and Excellence: Guidelines and Best Practices for Judges Appointing Lawyers to Leadership Positions in MDL and Class Action Litigation*, 1 (Sep. 24, 2020), https://www.law.gwu.edu/sites/g/files/zaxdzs2351/f/downloads/DIVERSITY%20MASTER%20REVISED_0.pdf.

¹⁰ *See id.* at 6.

as diverse as possible without sacrificing the interests of the class.¹¹ Selecting the *Vinsant-Doe* Slate to lead the litigation, which is diverse in race, gender, and experience level, and Ms. Mendrinós to serve as Liaison Counsel, would best serve the interests of the class.¹²

CONCLUSION

Nikoletta S. Mendrinós has the requisite experience necessary to represent the class members effectively and efficiently as Liaison Counsel. She has extensive experience in managing and driving complex cases with multiple moving components to a successful conclusion. As a woman, the gender of which comprises most of the members of the class, with an international background, Ms. Mendrinós adds a valued element to the diversity of the leadership team and to the adequacy of the representation of the class. With extensive experience, a commitment to efficiency and teamwork, and consideration of diversity, the members of the *Vinsant-Doe* Slate are the best team to prosecute this matter. Accordingly, she respectfully requests that this Court appoint her as Liaison Counsel in this matter.

Respectfully submitted,

/s/ Nikoletta S. Mendrinós.

Nikoletta S. Mendrinós (Fed. Bar No. 18961)
MURPHY, FALCON & MURPHY
One South Street, 30th Floor
Baltimore, Maryland 21202
T: (410) 539-6500
F: (410) 539-6599
nikoletta.mendrinós@murphyfalcon.com

¹¹ See Alison Frankel, 'The Needle is Moving': Another MDL Judge Cites Diversity in Lead Counsel Appointments, REUTERS (Jan. 25, 2021, 3:24 PM), <https://www.reuters.com/article/us-otc-diversity/the-needle-is-moving-another-mdl-judge-cites-diversity-in-lead-counsel-appointments-idUSKBN29U2CV>.

¹² See James F. Humphreys Complex Litig. Ctr., George Washington Law Sch., *Inclusivity and Excellence: Guidelines and Best Practices for Judges Appointing Lawyers to Leadership Positions in MDL and Class-Action Litigation Text of Guidelines and Best Practices*, Guideline 2B, at 2 (March 15, 2021), https://www.law.gwu.edu/sites/g/files/zaxdzs2351/f/downloads/3-Page_Summary_Report_and_Signatories_List_3.16.21.pdf.

LR 102.2(b) CERTIFICATION OF COMPLIANCE

Undersigned counsel certifies that this application complies with all formatting requirements of the Local Rules and was prepared in 12-point font, double-spaced, with one-inch margins on all sides.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of March 2021, a copy of Application for Appointment of Nikoletta S. Mendrinos as Liaison Counsel as Part of the *Vinsant-Doe* Slate and Exhibit was filed with the Clerk of the Court via the Court's CM/ECF system which will automatically send e-mail notification of such filing to the registered attorneys of record.

/s/ Nikoletta S. Mendrinos
Nikoletta S. Mendrinos